

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COUNTRYMAN NEVADA, LLC)
Plaintiff,)
v.)
DOES 1-46,)
Defendants)

Case No.: 14-cv-1381

PROTECTIVE MOTION TO QUASH OR TO VACATE SUBPOENA

NOW COMES John Doe, IP Address 68.57.224.85, (“DOE”) by and through Attorney Theresa V. Johnson, of the Law Office of Theresa V. Johnson and moves this Honorable court to Quash the subpoena pursuant to Federal Rule of Civil Procedure 45 (c) 3 (A) (iv) and in support of said motion states a follows:

1. Plaintiff, Countryman LLC, has filed lawsuit in this court against Does 1-46 alleging copyright infringement for uploading or downloading Countryman Nevada’s movie, “Charlie Countryman” (“Movie”).
2. On March 25, 2014 this court granted subpoena power to Plaintiff.
3. Plaintiff has subpoenaed the records of Comcast for multiple COMCAST clients, including Client with IP address 73.50.30.76 (hereafter “DOE”) for discovery of name and address identify of the Doe associated with that IP address.
4. Under Federal Rule of Civil Procedure 45 (c) 3 A (iv), a subpoena should be quashed by a court if it subjects the person to an undue burden.
5. This subpoena unduly burdens Defendant DOE financially and in reputation damages because release of the information will put DOE’s name in the federal court for infringement action in which DOE did not participate and DOE will be forced to

potentially expend thousands of dollars in attorney fees defending against a bogus law suit.

6. On information and belief, Plaintiff's subpoena is akin to hundreds of other copyright holder Plaintiffs' lawsuits (Troll cases) that cast a large net to identify customers of the COMCAST ISP (Internet Service Provider) for the purpose of extracting quick and large settlement monies from both guilty and innocent COMCAST customers (such the Doe represented here) for a low budget, low revenue box office performing movie.
7. The conduct of this Troll (Countryman Nevada) is nothing more than a bullying of low income and poor families, with the threat of not only large financial damages, but also jeopardize DOE'S present and future employment for being falsely identified in a bogus Troll.
8. The undersigned counsel, having served on the Intellectual Property Committee of the Illinois State Bar for over 5 years, and having taught Continuing Legal Education (CLE) seminars involving copyright downloading, asserts that Troll lawsuits interfere with judicial economy, undermine the integrity of the judicial process, reduce confidence of the general public in the fairness of the court system, and rob families, including many poor families, of life sustaining monies. The copyright law damages "average working persons" a monetary amount far in excess of the actual damages sustained by the copyright holder even if and when infringement has occurred. In short, Troll lawsuits of this ilk tarnish our professional legal code of ethics and is an embarrassment to the legal community. The legal community must create a better legal system resolution for intellectual property downloading cases that do not tie up the court system and sometimes unjustly line lawyers' pockets.

9. On information and belief, the Plaintiff wants to identify Doe for the purposes of extracting a large sum of money from Doe for an alleged Movie download. Said action of obtaining identity is a fishing expedition – knowing that some parties have not infringed the copyright.
10. On information and belief, the Movie was released on Netflix, a service that Doe subscribes to and giving DOE no reason or need to download the Movie.

Wherefore, Defendant DOE prays that this Honorable Court enter a protective order quashing or vacating the subpoena issued by Countryman to COMCAST for DOE'S identity.

Dated: May 7, 2014

Respectfully submitted

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